

To: Tony Hwang

From: Bill Aman

Re: Summary of Points in My 2/27 Oral Testimony Regarding HB 5253, "An Act Concerning the Determination of the Neutrality of Explanatory Text Used in Local Proposals or Questions" and Recommendations to Amend the Bill

In relation to a referendum question,

- Current law forbids the expenditure of any municipal funds for any document that is not neutral.
- Municipalities are reluctant to publish any additional information in relation to a referendum question because of the potential that the State Elections Enforcement Commission (SEEC) will consider that the information as not neutral.
 - As a result, voters only receive information regarding a referendum question from advocacy groups. If only side is represented, or if no advocacy group(s) exists, voters receive either one-sided information or no information at all.
 - Therefore, voters often go to the polls with little, if any, idea as to the facts related to the question or the purpose of referenda itself.
- The SEEC stated in its testimony that, upon request of the municipality, it will review the legally required explanatory text prior to its circulation, to ensure neutrality.
 - Currently, any other published information is not reviewed by the SEEC until/unless a complaint is filed.
- This bill as written will need to be amended to require the SEEC, upon the request of a municipality, to review information in relation to the referendum, other than just the explanatory text (i.e. factual information the municipality would like to provide on the question being asked).
 - The review shall indicate the areas of the information that the SEEC believes are presented in a non-neutral manner.
 - Upon this review, the SEEC will assume that the municipality's facts are accurate
 - the accuracy of the facts quoted in a document will only be reviewed if/upon receiving a complaint.
- The following amendments will be needed to clarify the bill's purpose
 - Line 5 – delete "exploratory text"; replace with "neutral printed material"
 - Line 22 – delete word "text"; replace with "neutral printed material"
 - Line 23 – after the word "commission" add the word "staff"